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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,681	11/19/2001	Peter A. Goode	68.0176	5874

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EXAMINER

DANG, HOANG C

ART UNIT PAPER NUMBER

3672

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,681

Applicant(s)

GOODE ET AL.

Examiner

Hoang Dang

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 18, 20, 31, 35, 37-40, 47, 50-56, 61, 62, 64-68, 70-74 and 82-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 67, 68, 70-74, 82-84 and 90-93 is/are allowed.
- 6) ☒ Claim(s) 11, 18, 20, 31, 35, 50-55, 61, 62, 64, 66, 85 and 94-97 is/are rejected.
- 7) ☒ Claim(s) 37-40, 47, 56, 65, 86-89 and 98 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 54 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 54 recites a puncture device comprising a shaped charge that is inside a packer (see base claim 50, line 3). This recitation has no support in the specification. The specification fails to disclose how a shaped charge is arranged inside a packer and how it can be actuated.

In the Remarks, applicant refers to the arrangement in Fig. 8. Figure 8 shows a puncture assembly between 2 packers, not a shaped charge inside a packer. Figure 9 shows shaped charges but they are between 2 spaced apart packers, not inside a packer as called for in claim 54.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 54 is directed to the embodiment shown in Figure 9 in which the shaped charge is positioned between two spaced packers. Therefore, claim 54 cannot properly depend on claim 50 which requires that the puncture device is inside a packer.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 11, 18, 20 and 94-97 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cooke, Jr. (US 5,509,474) (see figures 3 and 4 and column 7, lines 21-58 and column 9, lines 44-62).

Contrary to applicant's argument, Cooke, Jr. does disclose the use of slips to secure the packer to the casing. Applicant's attention is directed to column 9, lines 47-50 where Cooke, Jr. disclose the use of "upper slips 74 and lower slips 75 so as to fix the body of the packer 72 in the casing".

3. Claims 31, 35, 50-53, 55, 61, 62, 64 and 66 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dietle et al (US 5,765,637).

The claimed structure and method steps read exactly on the reference when members (14 or 53), ("pressure sensing means", col. 7, lines 25-29) and (8) of Dietle et al are respectively considered as "punch", "sensor" and "packer" as recited.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietle et al (US 5,765,637) in view of Lawrence (US 3,424,243) or Spencer (US 2,323,369).

Dietle et al disclose the invention as claimed except for the use of slip. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Dietle et al with a slip as claimed because it is well known in the art to provide slips to apparatus as that of Dietle et al in order to firmly secure the apparatus to the casing as evidenced by Lawrence (see slips 108) or Spencer (see slip 21).

Allowable Subject Matter

6. Claims 67, 68, 70-74, 82-84 and 90-93 are allowed.

7. Claims 37-40, 47, 56, 65, 86-89 and 98 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

8. Applicant's arguments with respect to claims 11, 18 and 20 have been responded above in the rejection thereof. Applicant's arguments with respect to the remaining claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

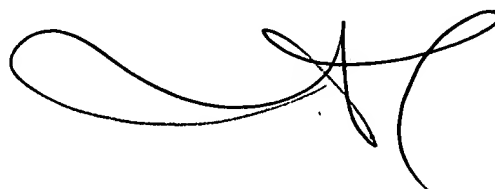
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 571-272-7028. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoang Dang
Primary Examiner
Art Unit 3672

A handwritten signature in black ink, consisting of a large, stylized loop followed by a series of smaller, connected strokes that form a unique, cursive-like signature.